II. REMARKS/ARGUMENTS

These Remarks are in response to the Advisory Action mailed May 27, 2004 regarding issues raised by the Final Office Action mailed February 25, 2004. A Reply to the Final Office action was filed on April 28, 2004.

This Reply is being filed in conjunction with a Request for Continued Examination under 37 C.F.R. § 1.114, together with the appropriate fee. Applicants request that this Reply be considered. No fee is due for the addition of any new claims.

Claims 1-24 were pending in the Application prior to the issuance of the Final Office Action. The present reply cancels claim 24 and amends claim 4, leaving for the Examiner's present consideration claims 1-23. Reconsideration of the claims and issuance of a Notice of Allowance is respectfully requested.

Although no objection was raised to Claim 4 on grounds of indefiniteness under 35 U.S.C. § 112, Applicants have amended claim 4 to insert the word "the" before the words "beginning" and "video," thereby making the claim more fully consistent with the specification, and promoting greater definiteness.

To promote prompt approval of the remaining claims, Applicants have canceled claim 24.

1. Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-7, 18, 19 and 22-24 under 35 USC §102(b) as being anticipated by United States Patent No. 6,067,126 (hereafter, "*Alexander*"). Examiner states that *Alexander* discloses a method and apparatus for editing a video recording with audio selections, including receiving an audio and video signal, detecting transition points in the

audio and video signals, aligning the audio and video signals in time, editing the aligned video signal and merging the aligned video signal with the audio signal (col. 3, lines 1-19). Applicants respectfully traverses the rejection under §102(b).

Alexander discloses an apparatus and method for adding an audio track to a video recording. *Alexander* discloses that an A/V editing system may load an entire video recording for analysis (col. 4, lines 57-60), may load a subset of the entire video recording for analysis (col. 4, lines 64-66), may load a two to three minute segment of video for analysis (col. 4, line 66 – col. 5, line 4), or may load individual scenes of video (col. 5, lines 4-6) for analysis. Following loading of the "predetermined amount" (col. 5, lines 11-15) of video, the video stream is then divided into quadrants or regions within each frame (Fig. 4) and is analyzed in each region for color, lighting, content and motion attributes (col. 5, lines 43-67). Thus, the length of the video is determined before the video is analyzed; unlike the current claims, *Alexander* does not truncate an aligned video signal. An audio stream within the video, if any, is then identified as either speech, music, or other (col. 6, lines 16-65). The level of the audio within the video is configured accordingly. A separate audio track is then added to the video. The audio is selected based on the detected attributes, such as whether the video content colors are "cool" or "hot" colors (col. 7, lines 35-45). Once selected, the audio track is added to the video, and the video's previous audio track level is adjusted so as not to be smothered.

Unlike *Alexander*, the present invention discloses editing the aligned video signal in addition to merging the aligned video signal. Thus, the claimed invention aligns the video signal and audio signal before editing the video signal. By contrast, *Alexander* discloses receiving video in predetermined lengths according to the average audio file length or by

individual scenes (col. 5, lines 1-10) followed by analyzing the video. *Alexander* does not disclose making or adjusting any edits to an aligned video signal. *Alexander* only augments predetermined lengths of video by adding an audio track. Unlike *Alexander*, according to the current claims, the video signal and audio signal are aligned, after which the two signals are merged.

The Final Office Action is incorrect when stating that "transition points are necessarily detected to form segments" in *Alexander*. *Alexander* states that "predetermined" amounts of video (col. 4, lines 57-60; col. 5, lines 11-15) are utilized. In an alternative embodiment, "a subset of the entire video recording" (col. 4, lines 64-66) is used, not necessarily at transition points. Other than a scene identification function mentioned in one embodiment (col. 5, lines 6-11), nowhere does *Alexander* teach how to *locate* segments that are not predefined. In contrast, the current claims automatically segment audio and video. The current claims do not rely on "predetermined" audio and video segments, as does *Alexander*. The current claims teach specific methods of computing and detecting transition points automatically.

In contrast to the claimed invention, *Alexander*'s system will fail if the "predetermined" video amounts are not homogeneous -- if the color or audio content changes substantially in the predetermined video, the automatic content detection described in *Alexander* will fail. For example, if the predetermined A/V signal includes audio that changes from speech to music, it is unclear what will be the output of *Alexander*'s audio analysis module (208). The current claims describe an invention that, unlike *Alexander*, will reliably identify segment boundaries.

The Final Office Action states the *Alexander* discloses truncating a video signal. As discussed above, an A/V editing system may load predetermined portions of a video recording.

However, only after loading the predetermined portions is the video recording segment analyzed and augmented with an audio signal. Therefore, *Alexander* does not disclose editing an "aligned" video signal

The Final Office Action further states that *Alexander* discloses that a video signal is augmented by adding an audio track, and that this satisfies the "editing" element of claim 1. Applicants respectfully disagrees with this interpretation of *Alexander*.

In conclusion regarding the rejection under 35 USC §102(b), claim 1 recites "editing the aligned video signal" thereby distinguishing the claimed invention from *Alexander*. Claims 1-7, 18-19, and 22-23, as amended, all directly or indirectly depend from independent claim 1, and are therefore believed patentable for at least the same reasons as the independent claims and because of the additional limitations of these claims. Therefore, Applicants respectfully submit that claims 1-7, 18-19 and 22-23 are patentable over *Alexander* and Applicants have overcome the rejection based on *Alexander* et al.

2. Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 8-17 and 21 under 35 USC §103(a) as being unpatentable over *Alexander* in view of either "Automatic Audio Segmentation Using a Measure of Audio Novelty" by Foote (hereafter, "Foote") or "Scene Boundary Detection via Video Self-Similarity Analysis" by Cooper et al. (hereafter, "Cooper"). Examiner states that *Alexander* discloses all that is claimed except for the features explicitly recited in the above referenced claims. Applicants respectfully traverses the rejections under 35 USC §103.

As discussed above, *Alexander* does not disclose making any edits to an aligned video. *Alexander* only discloses augmenting a video by adding an audio track. Additionally, Foote and Cooper relate to analysis of video signals, and do not disclose editing an aligned video. Thus, neither *Alexander*, Foote nor Cooper disclose editing an aligned video as recited in claim 1. Claims 8-17 and 21, as amended, all directly or indirectly depend from independent claim 1, and are therefore believed patentable for at least the same reasons as the independent claims and because of the additional limitations of these claims. Therefore, Applicants respectfully submit that claims 8-17 and 21 are patentable over *Alexander* in view of Foote and Cooper and Applicants have overcome the rejection based on *Alexander* in view of Foote and Cooper.

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

III. CONCLUSION

In light of the above, it is respectfully submitted that amended claims 1-23 should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of the patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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